

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

BRANDON CALLIER,
Plaintiff,

v.

NATIONAL UNITED GROUP, LLC,
et al.,
Defendants.

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EP-21-CV-71-DB

ORDER

On this day, the Court sua sponte considered the above-captioned case. Federal Rule of Civil Procedure 4(m) gives a plaintiff ninety days to make service after filing a complaint. Fed. R. Civ. P. 4(m). If service is not made within this timeframe, “the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” *Id.*

On March 22, 2021, Plaintiff Brandon Callier (“Plaintiff”) filed a Complaint in the above-captioned case.¹ ECF No. 1. On June 24, 2021, Plaintiff filed his First Amended Complaint, at which time he named ten additional defendants. ECF No. 33. Five of these defendants were subsequently dismissed.² Of the five remaining defendants,³ the record reflects that, as of today, Plaintiff has yet to file a Return of Service for Alexa Assurance Corp., Abigail Velez, and Ricardo Moreira.

On September 19, 2022, the Court issued an Order to Show Cause, ordering

¹ In Plaintiff’s Original Complaint, he named four defendants: National United Group, LLC, Centene Corporation (doing business as American Better Health Insurance), Mulberry Management Corporation (doing business as Oscar Management Corporation), and CR Insurance Group (a Florida Limited Liability Company and John Does 1–4). All four defendants were subsequently dismissed. *See* ECF No. 73, 54, 75, 83.

² Health One Corp., Susan Carrasco, Maria Allen Cardona, Allen Insurance Services, and Carlos Rodriguez. *See* ECF No. 63, 63, 84, 84, 83.

³ Alexa Assurance Corp., Abigail Velez, Ricardo Moreira, LPV Services, and Liz Polanco. ECF No. 33.

Plaintiff to file a Return of Service for Defendants Alexa Assurance Corp., Abigail Velez, and Ricardo Moreira on or before October 19, 2022 or show cause why the Court should not dismiss the claims against these defendants. ECF No. 85. The record reflects that, as of today, Plaintiff has neither filed a Return of Service nor shown cause why the Court should not dismiss the claims against these three defendants. Accordingly, the Court is of the opinion that the following order should enter.

IT IS HEREBY ORDERED that the claims against Defendants Alexa Assurance Corp., Abigail Velez, and Ricardo Moreira are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

SIGNED this 8 th day of November 2022.



THE HONORABLE DAVID BRIONES
SENIOR UNITED STATES DISTRICT JUDGE